

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

WILLIAM KENZO NAKAMURA  
U.S. COURTHOUSE, SUITE 215  
SEATTLE WASHINGTON 98104

February 28, 2003

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

Mr. J. T. Noblin  
Clerk  
United States District Court  
316 James O. Eastland United States  
Courthouse  
245 East Capitol Street  
Jackson, MS 39201

IN RE (MDL 1407 (PPA)) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

Enclosed is certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective February 14, 2003. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case  
Watts v. Bayer Corp.

Your Number  
3:02-1473

WAW Number

0703-0539

Sincerely,

BRUCE RIFKIN, CLERK

BY *Valerie Barber*  
Valerie Barber, Deputy Clerk  
206-553-4170 ext 4



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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

WILLIAM KENZO NAKAMURA  
U.S. COURTHOUSE, SUITE 215  
SEATTLE, WASHINGTON 98104

February 28, 2003

Mr. Arlen B. Coyle  
Clerk  
United States District Court  
369 Federal Building and  
United States Courthouse  
911 Jackson Avenue West  
Oxford, MS 38655-3622

IN RE: MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

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Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case  
Bullock v. Walter Moses, M.D.

Your Number  
4:02-214

WAW Number

V03-0538

Sincerely,

BRUCE RIFKIN, CLERK

BY *Valerie Barber*  
Valerie Barber, Deputy Clerk  
206-553-4170 ext 4

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**

Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**

Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge Julia Smith Gibbons  
United States Court of Appeals  
Sixth Circuit

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby,  
Washington, D.C. 20002

Telephone: [202] 502-2800  
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<http://www.jpml.uscourts.gov>

February 14, 2003

Bruce Rifkin, Clerk  
215 William Kenzo Nakamura  
U.S. Courthouse  
1010 Fifth Avenue  
Seattle, WA 98104-1130

MDL 1407

UMB

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

*Eddie Bullock, et al. v. Walter Moses, M.D., et al.*, N.D. Mississippi, C.A. No. 4:02-214  
*Rudy Watts v. Bayer Corp., et al.*, S.D. Mississippi, C.A. No. 3:02-1473

Dear Mr. Rifkin:

I am enclosing a certified copy and additional copies of an order filed by the Judicial Panel on Multidistrict Litigation in the above-captioned matter. The act creating the Panel provides that:

Orders of transfer ... shall be filed in the office of the clerk of the district court of the transferee district and shall be effective when thus filed. The clerk of the transferee district court shall forthwith transmit a certified copy of the panel's order to transfer to the clerk of the district court from which the action is being transferred. 28 U.S.C. § 1407(c).

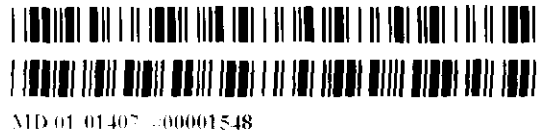
As is also required by the statute, a copy of the order is being sent to the clerk for the Central District of California, the district in which the hearing on this matter was held on January 28, 2003.

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
Clerk of the Panel

By \_\_\_\_\_  
Deputy Clerk



Enclosures/Attachment

cc: Transferee Judges: Judge Barbara Jacobs Rothstein  
Transferor Judges: Judge Glen H. Davidson, Judge Tom S. Lee  
Transferor Clerk: Arlen B. Coyle, J.T. Noblin  
Hearing District Clerk: Sherri R. Carter

JPML Form 29

1548

**INVOLVED COUNSEL LIST**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

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Greenwood, MS 38935

A CERTIFIED TRUE COPY

FEB 14 2003

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FEB 14 2003

FILED  
CLERK'S OFFICE

DOCKET NO. 1407

ATTEST

FOR THE JUDICIAL PANEL OF  
MULTIDISTRICT LITIGATION

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY  
LITIGATION**

*Eddie Bullock v. Walter Moses, M.D., et al.*, N.D. Mississippi, C.A. No. 4:02-214

*Rudy Watts v. Bayer Corp., et al.*, S.D. Mississippi, C.A. No. 3:02-1473

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN,  
BRUCE M. SELYA, JULIA SMITH GIBBONS, D. LOWELL JENSEN, J.  
FREDERICK MOTZ AND ROBERT L. MILLER, JR., JUDGES OF THE  
PANEL**

**TRANSFER ORDER**

Before the Panel are motions brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in two Northern and Southern District of Mississippi actions (*Bullock* and *Watts*). Each plaintiff seeks to vacate a Panel order conditionally transferring plaintiff's action to the Western District of Washington for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Barbara Jacobs Rothstein. Bayer Corp., a defendant in both actions, supports transfer of the actions.

On the basis of the papers filed and hearing session held, the Panel finds that *Bullock* and *Watts* involve common questions of fact with actions in this litigation previously transferred to the Western District of Washington, and that transfer of the two actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer of the actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. The Panel held that the Western District of Washington was a proper Section 1407 forum for actions brought by persons allegedly injured by products containing Phenylpropanolamine (PPA) – a substance which, until it recently became the subject of a public health advisory issued by the Food and Drug Administration, was used as an ingredient in many nasal decongestants and weight control products. See *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 173 F.Supp.2d 1377 (J.P.M.L. 2001).

The plaintiffs premise much of their opposition to transfer on their argument that federal jurisdiction is lacking in their respective action. They urge the Panel not to order transfer before remand motions are resolved by the appropriate transferor court. We note that remand and other motions, if not resolved in transferor courts by the time of Section 1407 transfer, can be presented to and decided by the transferee judge. See, e.g., *In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re*

*Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these two actions are transferred to the Western District of Washington and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



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Wm. Terrell Hodges  
Chairman